

Vice President's Role, 12/76

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December 9, 1976

TO: JIMMY CARTER

FROM: WALTER F. MONDALE

RE: THE ROLE OF THE VICE PRESIDENT IN THE CARTER ADMINISTRATION

I. Background

Defining an appropriate and meaningful role for the Vice President has been a problem throughout the history of this country. While custom and statute have changed the office gradually over 200 years, generally speaking, the Vice President has performed a role characterized by ambiguity, disappointment, and even antagonism. Arthur Schlesinger, Jr. concludes "history has shown the American Vice Presidency to be a job of spectacular and, I believe, incurable frustration."

Other commentators as well as former Vice Presidents have focused on particular problems of the office. Competition with the President, conflict with the White House staff, lack of meaningful assignments, lack of authority, and inadequate access to vital information are most frequently mentioned.

I have spoken at length with Vice President Rockefeller, former Vice President Humphrey, and their staffs to try to understand more fully the many dimensions of the position. Further, through other conversations and reading what literature is available, I have tried to supplement my understanding.

Finally, my staff prepared a Constitutional history of the office and a comparison of the duties and staffing of the Humphrey and Rockefeller Vice Presidencies.

It is my hope in this memorandum that I can outline a set of relationships, functions and assignments that will be workable and productive for the administration. I am committed to do everything possible to make this administration a success. I fully realize that my personal and political success is totally tied to yours and the achievements of your administration.

II. Our Basic Relationship -- General Adviser

I believe the most important contribution I can make is to serve as a general adviser to you. I would hope my experience in government and politics would assist me in giving you advice on the major questions facing you.

The position of being the only other public official elected nationwide, not affected by specific obligations or institutional interests of either the Congressional or Executive branch, and able to look at the government as a whole, does put me in a unique position to advise. Further, my political role around the country as well as my established relationships in Washington should allow me to keep in close touch with many different groups and viewpoints.

The biggest single problem of our recent administrations has been the failure of the President to be exposed to independent analysis not conditioned by what it is thought he wants to hear or

often what others want him to hear. I hope to offer impartial advice and help assure that you are not shielded from points of view that you should hear. I will not be the only source of such advice. Yet, I think my position enables me to help maintain the free flow of ideas and information which is indispensable to a healthy and productive administration.

In order to fulfill the role of a general advisor satisfactorily, I think the following are necessary:

1. Frequent and comprehensive intelligence briefings from the CIA and other intelligence agencies of similar depth to those you receive. Advance warning of major issues to be discussed at meetings of the NSC and other significant groups is necessary as well as the ability to request additional briefings and responses on areas of special concern.

Senator Humphrey emphasized the importance of this point to me repeatedly. He was not given adequate briefings and was, therefore, unable to participate effectively on the NSC or in this general arena of foreign and defense policy.

2. A special relationship with other members of the Executive branch. I would hope that I could expect the same or nearly the same level of responsiveness from key administration officials in seeking information that you

would receive. Providing sound advice to you requires from them complete candor and cooperation in providing information. I do not believe I could evaluate and/or assess key problems without this relationship. I think it would be important to make this point to the Cabinet and other key officials at the very beginning of the administration.

3. Participation in Meetings of Key Groups.

Participation in Cabinet meetings, discussions with the Congressional leadership, meetings of the National Security Council, Domestic Council and the economic policy group (whatever form it takes) would be extremely valuable in fulfilling the advisory role.

4. A seasoned, experienced staff representative on the NSC and Domestic Council who I can call on to meet my needs. I think it is terribly important that I have a staff capability on these two Councils whose priority is to assist me in performing my functions. Humphrey was not given staff support which combined with the lack of briefings made his role on the NSC almost insignificant.

5. Relationship with White House Staff. I think it is critical that my office be well informed on the activities of the White House. I believe it would be helpful if representatives of my office could participate in

appropriate White House staff meetings. I hope we can maintain the excellent relationship our two staffs developed during the campaign and have maintained during the transition. Also, my staff is available to you or the White House staff for any assignments or tasks for which they may be needed.

6. Access to you.* I suggest that we plan to meet once per week at a minimum of 30 minutes to an hour. Rockefeller currently has this arrangement with President Ford and recommends it highly. This would be a time for me to report on my activities, offer advice and get assignments from you. We, of course, could cancel the meeting if we did not need the time. In addition to our regular meeting, I would hope I could depend on having access whenever necessary. Of course, I would be available whenever you might want to meet.

III. General Functions

A. Trouble-Shooting. As problems arise, I would like to be available to respond to your direction and help solve them as quickly as possible. Within this general category, two areas emerge:

* Historically, there has been substantial variation in access and proximity. It was not until President Kennedy that the Vice President had an office in proximity to the White House (EOB). On one occasion (Agnew) the office of the Vice President was actually in the White House. I prefer to think of access in the terms expressed here and would prefer to maintain the space with adequate staff offices in the Executive Office Building.

1. Investigation. I believe I could perform a very valuable function in attempting to provide background and analysis for you in special areas of concern. This function could range from gathering information on an issue or area of government about which you are restless or uncomfortable to conducting a full-scale, formal investigation such as Rockefeller did in the case of the CIA. An example of one area well suited for this approach is that of task force on hard crime and official lawlessness suggested in the campaign.

2. Arbitration. The sometimes conflicting and sometimes parallel assignments of governmental functions to different departments and agencies produces inefficiency and interdepartmental disputes, as you well know. With your support, I think I could play an important role in resolving such problems. This would probably be done in an assignment-by-assignment basis.*

B. Foreign Representation. Nearly everyone, most notably the former Vice Presidents I have spoken with, agrees that the

* Humphrey felt he could be very effective in this area. He noted that the President did not have sufficient time to consider many of the problems that arose between departments and agencies.

Vice President can play a very significant role through foreign travel. The foreign travel I do can be used to express your interest in selected foreign policy areas, give us an additional presence abroad, and provide you with a first-hand assessment of foreign leaders and situations.

I would tentatively suggest (subject to conversations with the Secretary of State) that in the early weeks of the administration we consider the advantages of short trips to the industrialized nations (Canada, Western Europe and Japan). Such trips would enable me to reassure our allies, discuss the objectives of a possible economic summit, and assess the internal economic prospects of our leading economic partners. I am advised that travel in the early days can be very productive in part because it is too soon for the host countries to expect specific responses to their problems.

It would be made clear, both publicly and privately, that such a trip was an information gathering mission, not a negotiating mission. The itinerary would be worked out with your senior Cabinet officials and advisors. It would be conducted with minimum publicity from the standpoint of the United States but with appropriate attention to dramatizing the Vice President's visit as a gesture of your interest in the countries concerned.

IV. Specific Function

The Constitution mandates that I serve as President of the Senate. The duties are ceremonial with the exception of casting

tie-breaking votes. I assume this responsibility will take a minimum amount of time.

V. Possible Additional Functions

Based on my analysis of the history of the office, the following are functions which are the most promising or in this situation seem to merit serious exploration.

A. Congressional Relations. I think I can be helpful to you in your relations with the Congress in two important respects:

1. I think I can advise you on what to expect from the Congress on significant issues, how to interpret their actions, and what approaches will be most productive. Twelve years in the Senate gives me a substantial background for analysis and interpretation.

2. I can advise and assist your Congressional liaison office. This should be done on an informal basis so that my role is not thought of as a lobbyist. Yet, on major initiatives, I could conduct key conversations and become more operational.

B. Political Action. Every Vice President in recent history has played a significant political role for the President. I assume I would do the same. I can be helpful through keeping our administration on the offensive politically and representing us around the country, with the Party, and with special constituencies such as labor. I would assume this would be a continuing role, meshed

with the off-year election campaigns and the re-election campaign of 1980.

On an allied point, an immediate assessment of election laws, together with recommendations for Congressional action, is very much needed before the next election. Campaign finance, primary laws, voter registration, and other critical areas are much in need of review. I would be interested in conducting such a review and recommending a legislative package if you would find it valuable.

C. Liaison with Special Groups. The Vice President has served in the past as a special liaison to elected officials (particularly Mayors and Governors). Agnew established an office of intergovernmental relations for a time which was disbanded. Humphrey served as a point of contact and advocate for the elected officials.

The key danger in regard to this function is that the Vice President's office is devoted to doing agency work for local and state government which could be handled better through direct contact between the elected official and the agency concerned.

I suggest maintaining the Vice President's office as a key contact point for Mayors and Governors with adequate safeguards against the danger noted above. The proper execution of this possible function will require additional discussion.

D. Special Role with Domestic Council. Depending on the functions of the Domestic Council, a leadership role with the

Council might be considered. The Council is currently the only group concerned with a long-range policy planning function and with the integration of domestic policy recommendations. These functions would be consistent with the domestic overview required as an adviser to the President and with the possible role as an arbitrator in interdepartmental conflicts. Your determination of the functions of the Council will bear directly on what role would be appropriate for me to play.

E. Special Role with Economic Policy Board. The coordination of domestic and international economic policy will be extremely important. A special role with the Economic Policy Board could be considered.

VI. Additional Commitments

A. Minnesota. I would like very much to be able to continue to devote some time and attention to my special relationship to the people of Minnesota. Special projects, some liaison work, concern about appointments, and regular contacts in Minnesota and Washington would be included. That time would not be substantial, but this private commitment to be able to continue to serve the people of my state would be very meaningful to me.

B. A Role for Joan with the National Foundation on the Arts and Humanities. I would like to assist Joan in structuring a useful and rewarding role with the National Foundation as the primary vehicle for her continued involvement in the arts. She is

extremely effective in this area. In the early stages, this might involve my showing a special interest in this agency.

VIII. Conclusion

I am optimistic that we can develop a relationship and a set of functions which will allow me to contribute to the administration in a substantial way. That optimism has been maintained and nourished from our first conversation in Plains through the campaign and further reinforced in the past month of working together. I look forward to a productive working relationship and a close friendship throughout the administration and beyond.

The role outlined above would, in my judgment, clearly fulfill the most important constitutional obligation of the office -- that is, being prepared to take over the Presidency should that be required. The relationship and assignments suggested were not focused on that obligation, but I think they do meet the test.

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THE VICE PRESIDENCY

A PRELIMINARY REPORT

PREPARED FOR SENATOR WALTER F. MONDALE
DEMOCRATIC VICE PRESIDENTIAL NOMINEE

Robert B. Barnett

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INTRODUCTION

In the pages which follow, I have attempted to set forth a variety of information which should be useful to you as you discuss the office of Vice President, make plans for assuming that office, and begin to define the responsibilities you want to undertake in the new Administration.

The report begins with an historical survey of the office and a discussion of the constitutional parameters of the office. Then, the report sketches the duties and staffing of two Vice Presidents -- Hubert Humphrey and Nelson Rockefeller. Also included is an outline of the salary, benefits, expenses, and staffing potential available to the Vice President. Next, the report discusses the problems which past Vice Presidents have encountered -- in their relationship with the President, in their staff, and in their duties. Finally, the report provides some ideas on how to avoid some of these problems during a Mondale Vice Presidency and some suggestions as to the duties you might seek to assume in the new Administration.

This report is the product of discussions with historians, political scientists, lawyers, and persons associated with former Vice Presidents and Presidents, as well as my own thoughts.

CONSTITUTIONAL HISTORY OF THE VICE PRESIDENCY

The Constitutional Convention

When the delegates to the Constitutional Convention met in Philadelphia in the summer of 1787 to amend the Articles of Confederation, they had no thought of providing for a Vice President. It soon became apparent that amending the Articles would not be sufficient. A new Constitution was needed. Yet, a Vice President was not proposed.

A Committee of Detail was appointed to draft a Constitution embodying the principles which the delegates had approved during their initial debates. When the Committee of Detail issued its report on August 6, 1787, it did not recommend the creation of the office of Vice President. The Committee recommended that the problem of succession be dealt with by allowing the President of the Senate to exercise the powers and duties of the President of the United States in the event of impeachment, death, resignation, or disability. The report of the Committee of Detail provided:

"In case of his removal as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties, until another President of the United States be chosen, or until the disability of the President be removed."

It was the Committee of Eleven, which had been responsible for the "great compromise" of bicameralism earlier in the Convention, that proposed the creation of the office of Vice President. On August 31, 1787 that Committee was given a group of miscellaneous resolutions dealing with the election of the President of the United States, the Presidency of the Senate, and Presidential succession. When the Committee of Eleven reported to the Convention on September 4, 1787, the Vice President was born. As Arthur Schlesinger, Jr. has put it, "Then a fortnight before the Convention adjourned, a new drafting committee went off for a weekend and came back with the Vice Presidency." Interestingly, the office of Vice President was not created to deal with the problem of succession. Rather, the Vice President was to solve various problems inherent in the selection of the President.

As the proposed Constitution then stood, electors from the various States were to cast ballots for the President of the United States. The delegates to the Constitutional Convention felt that the electors would cast their ballots for a candidate from their own state or region. Therefore, the winning candidate for President was likely to be an individual with the support of a single large state or a single region. The Committee of Eleven recommended that the electors be required to vote for two persons "of whom

one at least shall not be an inhabitant of the same State with themselves." Through the use of the double vote, localism could be overcome and a President with broad appeal beyond his own state or region would prevail. The candidate who was the second choice of the most electors would probably be elected President. As James Madison observed, "the second best man in this case would probably be first, in fact."

Hugh Williamson of North Carolina reflected the general consensus of the Constitutional Convention when he "observed that such an officer as vice-President was not wanted. He was introduced only for the sake of a valuable mode of election which required two to be chosen at the same time." It was to enshrine this "valuable mode of election" that the delegates, on September 6, 1787 approved the language creating the office of Vice President. In addition to Hugh Williamson, others expressed reservations. Nathaniel Gorham of Massachusetts feared that "a very obscure man with very few votes may arrive at that appointment." A contemporary commentator wrote:

"As to the Vice-President, that great officer of government, who is, in case of death, resignation, removal, or inability of the President, to supply his place, and be vested with his powers, and who is officially to be the President of the Senate, there is no provision by which a majority of the voices of the electors are necessary for his appointment; but, after it is decided who is chosen President, that person who has the next greatest number of votes of the electors, is declared to be legally elected to the Vice-Presidency;

so that by this system it is very possible, and not improbable, that he may be appointed by the electors of a single large State . . ."

It was not essential to the operation of the double-voting system that the individual who received the second-highest number of electoral votes be given anything at all. Questions of succession, therefore, also played a role in the creation of the office of Vice President. As reflected in the debates and Constitutional Convention, there was a sense of impropriety in allowing a member of the legislative branch, such as the President of the Senate, to succeed to the Presidency. So, the Vice President, who presumably received the second highest number of votes in a national election for President, was made successor to that office.

On September 7, 1787, the delegates voted to make the Vice President "ex officio" President of the Senate. In the words of Roger Sherman of Connecticut, "if the vice-President were not to be President of the Senate, he would be without employment . . ." Many delegates expressed reservations about allowing an official of the executive branch to preside over a body of the legislative branch. Colonel Mason "thought the office of vice-President an encroachment on the rights of the Senate . . ." Gerry observed that "[t]he close intimacy that must subsist between the President & vice-president makes it absolutely improper." Gouverneur

Morris prophetically replied, "the vice president then will be the first heir apparent that ever loved his father."

On September 8, 1787, the delegates fashioned the final contours of the Constitutional office of Vice President by making him, along with the President, subject to impeachment.

Constitutional Provisions

As adopted by the Constitutional Convention and ratified by the States, the Constitution contains several provisions mentioning the Vice President.

Curiously, the Vice President is mentioned in the Constitution before the President is mentioned. Article I, dealing with the legislative branch, provides in Section 3: "The Vice President of the United States shall be President of the Senate but shall have no Vote, unless they be equally divided." Article II, dealing with the executive branch provides in Section 1: "[The President] shall hold his Office during the Term of four Years, and, together with the Vice President chosen for the same Term, be elected, as follows:" Article II, Section 1 outlines the system of double-voting, now superseded by the Twelfth Amendment, which was outlined above. (Tab A) Article II, Section 1 also deals with Presidential succession.

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

Article II, Section 4 deals with impeachment. It provides, "The President, Vice President . . . shall be removed from Office on Impeachment for, and conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

The Twelfth Amendment

In the Presidential election of 1800, Thomas Jefferson and Arron Burr received tie votes in the electoral college. The selection of a President was thrown into the House of Representatives despite the fact that the electors had clearly intended Jefferson to be President and Burr to be Vice President.

By 1804, Congress had passed, and the State had ratified, the Twelfth Amendment. (Tab B) This amendment superseded Clause 3 of Article II, Section 1. The difference between the procedure defined by the Twelfth Amendment and the procedure originally embodied in the Constitution is the

requirement that electors separately designate their choices for President and Vice President.

The Twelfth Amendment, in effect, abolished the "valuable mode of election" which caused the delegates to the Constitutional Convention to create the Vice Presidency. Many felt that, with the abolition of the reason for the office, the Vice Presidency should be abolished. Senator Samuel White of Delaware predicted the consequences of the adoption of the Twelfth Amendment.

"Character, talents, virtue, and merit will not be sought after, in the candidate. The question would not be asked, is he capable? is he honest? But can he by his name, by his connexions, by his wealth, by his local situation, by his influence, or his intrigues, best promote the election of the President?"

Senator Roger Griswold of Connecticut said that the Vice President would thereafter be "worse than useless." An attempt was actually made to abolish the office of Vice President. The effort failed 9 to 12 in the Senate and 85 to 27 in the House of Representatives.

The Twentieth Amendment

By the terms of Article II, Section 1 of the Constitution, the exact term of office of the President and Vice President was fixed at four years. By resolution of the Continental

Congress, the terms of the first President and Vice President commenced on March 4, 1789. By setting the commencement of the term of office at January 20th, the Twentieth Amendment shortened, by the interval between January 20 and March 4, the terms of the President and Vice President elected in 1932. Also, the amendment allowed an earlier commencement of the terms of all other Presidents and Vice Presidents who followed.

The Twentieth Amendment was declared adopted on February 6, 1933. (Tab C) In addition to setting a new commencement date for Presidential and Vice Presidential terms of office, the amendment set a new starting date for sessions of Congress and dealt with Presidential succession. Pursuant to the authority conferred upon it by the Twentieth Amendment, Congress passed the Presidential Succession Act of 1948. 3 U.S.C. §19.

The Twenty-Fifth Amendment

The Twenty-fifth Amendment was ratified in 1967 (Tab D). It sought to resolve some of the continuing issues revolving around Presidential succession.

Although it was clear that the Vice President would become President upon the death of the President or upon the removal from office of the President, questions remained about the status of the Vice President in the event of

Presidential incapacity. President Garfield was in a coma for 80 days before succumbing to the effects of an assassin's bullet. President Wilson was an invalid for the last 18 months of his term as the result of a stroke. The Twenty-fifth Amendment provided for a self-declaration of incapacity by the President and a judgment of incapacity by the Vice President and others. The Amendment, of course, also provided for filling a vacancy in the office of Vice President.

Some Statistics on the Vice Presidents

Of the forty-one men who have held the post of Vice President during our history, 13 have become President of the United States. Four became President by virtue of the assassination of the President, four by death of the President, one by resignation of the President, and four by their own election. Four of the last eight Vice Presidents (Truman, Nixon, Johnson and Ford) have become President. A fifth Vice President (Hubert Humphrey) came very close in 1968.

(Tab E)

Only eight Vice Presidents have been elected twice. Unfortunately, the Vice President has not, historically, added to the strength of his ticket. From 1932 to 1968, the twenty Vice Presidential nominees of both parties won their own states on only eleven occasions. Not since 1952

have both Vice-Presidential nominees carried their own states.

The first Congress debated at length the question of a salary for the Vice President. The House of Representatives, after voting a \$25,000 salary for President George Washington, disagreed on the means of paying the Vice President. It was originally proposed that the Vice President be paid on a per diem basis for each day he actually showed up to preside over the Senate. Representative John Page of Virginia observed that "as we have got him, we must maintain him." Eventually, the Congress approved a salary of \$5,000. The Vice President now receives a salary, appropriations to hire staff, funds to maintain the official residence, and money for expenses. These items are discussed below.

TWO VICE PRESIDENTS -- DUTIES AND STAFFING

Although it is impossible to adequately describe all of the work done by the forty-one Vice Presidents in a few short pages, I thought it would be useful for you to have brief sketches of the duties and staffing of two recent Vice Presidents. These are, of necessity, superficial. They do, however, provide some insight into possible functions which a Vice President may perform and will give you some idea of the ways in which Vice Presidents have structured their staffs.

The Humphrey Vice Presidency

President Johnson had promised Vice President Humphrey that he would play a major role in the execution and formation of foreign policy. The Vice President was, by statute, a member of the National Security Council. 50 U.S.C. §401 et seq. As the Vietnam war escalated, the National Security Council met less frequently and the Vice President was excluded from foreign policy discussions. Humphrey has said, "I was not part of the decision-making, and my views [were] frequently not particularly welcome . . ." Humphrey eventually concluded, "[I]t must be said that Johnson probably never intended for me to have any greater role in foreign-policy formulation than he himself had had during the Kennedy years."

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In 1966, Vice President Humphrey made a two-and-a-half week trip to Asia. He delivered many speeches on foreign policy and took several ceremonial trips.

Vice President Humphrey's major duties were in the domestic policy area. He served on a number of councils, frequently as chairman. For instance, Humphrey was Chairman of the National Aeronautics and Space Council. The Council was established by the National Aeronautics and Space Act of 1958, 42 U.S.C. §2471, to advise and assist the President regarding policies, plans, and programs involving aeronautical and space activities. Humphrey has described his experience as follows:

"There were massive bureaucracies in the National Aeronautics and Space Agency and the Department of Defense which considered our efforts an intrusion on their programs. To some extent they were right, and I tried to be helpful without being a nuisance. I did what I could when they had problems on the Hill and became an advocate in public for their efforts."

Vice President Humphrey was also honorary Chairman of the President's Council on Equal Opportunity. The Council was established for the purpose of coordinating federal civil rights activities, consulting with Cabinet members, finding ways of implementing civil rights legislation, and monitoring the success or failure of federal civil rights programs. The

Council never got off the ground. Vice President Humphrey felt the effort was sabotaged by a desire to coordinate these programs from the White House.

As Honorary Chairman, Vice President Humphrey presided over the President's Council on Economic Opportunity. This Council was established for the purpose of reviewing the operations and activities of OEO and making recommendations.

Vice President Humphrey was also Chairman of the Marine Sciences and Engineering Council. The Council dealt with federal programs relating to the ocean and ultimately produced the first substantial overview of United States' interest in the oceans and their potential in oil, energy, fishing, and food.

Vice President Humphrey was also Chairman of the President's Council on Youth Opportunity, Council on Indian Opportunity, and Council on Recreation and Natural Beauty. He was also the President's liaison with local government, and he played an active role in the effort to pass Great Society programs. Finally, Vice President Humphrey was Chairman of the National Advisory Council on the Peace Corps and a member of the Board of Regents of the Smithsonian Institution.

With respect to organization and staffing, Vice President Humphrey maintained three centers of operation. The ceremonial

office of the Vice President is located off the Senate floor. Vice President Humphrey had an individual whose job was entitled Aide to the Vice President (David Gartner) who ran the ceremonial office. His duties included keeping track of the activities on the Senate floor, handling ceremonial matters, and dealing with official communications to the Vice President as President of the Senate. Two or three secretaries were assigned to that office.

The Vice President also maintained an operation in the New Senate Office Building. That office dealt with correspondence, handled case work, dealt with Minnesota matters, and supervised filing. The office was run by the Supervisor of Correspondence (Edna Ravenholt). There were several caseworkers, file clerks, secretaries, and typists.

The Vice President's main office is located in the Executive Office Building. The Vice President had an Administrative Assistant to the Vice President and Assistant to the Vice President for National Security Affairs (William Connell). This individual dealt with political matters, serving as a liaison between the Vice President and the State parties and the Democratic National Committee. He also, as the title indicates, dealt with foreign policy matters. Later in the term, William Connell became Executive Assistant to the Vice President. The Administrative Assistant

to the Vice President (William Welsh) dealt with the functioning of the office, personnel matters, supervision of the Senate staff, coordination of legislative activities, White House liaison, and foreign policy. Vice President Humphrey had two Legislative Assistants (John Stewart and Douglas Bennett) who dealt with speech writing, domestic policy, and legislative matters. There was a Press Secretary (Norman Sherman) who dealt with the press. There was also an Assistant to the Vice President (Neil Peterson) who staffed the Vice President's role as liaison with local government. He arranged to have people detailed from executive agencies and operated out of an office in the Department of Housing and Urban Development for a time. There were also a variety of speech writers and issues people.

The Vice President had a Foreign Policy Advisor (John Riley) who served as a liaison with the State Department. There was also Military Aide to the Vice President (Beckington) who provided foreign policy and military advice and background. There was an Assistant to the Vice President (Ted VanDyk) who was the chief speech writer, dealt with public affairs, and served as the travelling Chief of Staff. Another Assistant to the President (Julius Cahn) dealt with ethnic groups, interest groups, and health groups.

The Vice President maintained a Logistics Operation (John Watson) who coordinated the personnel at National Airport, the car pool drivers and other travel matters. The Vice President also had an Assistant who dealt with personnel, equipment, space, and problems with various agencies. The Vice President also had an Aide who dealt with the CIA (George Carroll).

The Vice President had a Personal Secretary, Appointment Secretary, and a large group of back-up personnel, including receptionists, scheduling personnel, and secretaries, and clerks.

Each of the above-mentioned Councils had a staff. Some of the staffs numbered as many as twenty-five people. Each staff had an Executive Director. The selection of all these employees were the responsibilities of the Vice President.

The Rockefeller Vice Presidency

Vice President Rockefeller is, by statute, a member of the National Security Council. 50 U.S.C. §401 et seq. He has not played a major role in foreign affairs. Most of his participation has been ceremonial -- goodwill trips and funerals -- with an occasional assignment through the Secretary of State.

President Ford sought to institutionalize the Vice President's role in domestic policy by making him Vice Chairman of the Domestic Council. The Domestic Council was established pursuant to Reorganization Plan Two of 1970. The purpose of the Council is to formulate and coordinate domestic policy recommendations to the President. The Council consists of the President, Vice President, various Cabinet officials, and the heads of various agencies and departments concerned with domestic policy. The Vice President was given the authority to appoint the Executive Director of the Domestic Council. Unfortunately, Donald Rumsfeld made the Executive Director an Assistant to the President, removing him from Vice Presidential control. There are many problems with the Domestic Council which prevent it from assuming an effective policy-making role. These will be discussed below.

Vice President Rockefeller, as did Vice President Humphrey, heads various commissions and councils. He is the Chairman of the Commission on Privacy, the Commission on Productivity, and was Chairman of the Commission to Investigate the CIA.

The Vice President has also assumed several miscellaneous tasks. For instance, he headed an effort to design an Energy Independence Program. Also, as you are aware, he played an advocates role in the question of aid to New York City.

With respect to organization and staffing, Vice President Rockefeller has a system somewhat different than that used by Vice President Humphrey. The Senate Office is headed by an Assistant to the Vice President for Congressional Affairs. He supervises the work of the New Senate Office Building office and the Ceremonial Office. The Ceremonial Office is headed by the Administrative Assistant to the President of the Senate. He, and his support personnel, handle the same duties as were handled by Vice President Humphrey's ceremonial operation. The New Senate Office Building houses caseworkers, legislative assistants, file clerks, correspondence personnel and support staff.

Vice President Rockefeller's main office is in the Executive Office Building. (Tab F) A Counsellor to the Vice President (Raymond Shafer) deals with political groups and political matters. Another Counsellor to the Vice President (John G. Veneman) deals with domestic policy and interest groups. A Counsel to the Vice President (Peter J. Wallison) deals with legal matters, including campaign finance compliance, legislation, and oversight of the councils and commissions. As Assistant to the Vice President for Special Events (Joseph Canzeri) and a Deputy Assistant to the Vice President for Special Events (Howard Dixon) deal with trips, logistics, and other such matters.

The Vice President has an Assistant to the Vice President for National Security Affairs and Military Assistant (Jonathan Howe) who deals with foreign policy and military matters. An Assistant to the Vice President for Administration (Frank R. Pagnota) deals with the operation of the office and supervision of support personnel and activity. Vice President Rockefeller has an Executive Secretariat, consisting of an Executive Assistant who attends White House briefings, an Executive Assistant who deals with scheduling, and an Executive Editor. He also has a group of Consultants who are hired to deal with specific projects and matters.

Vice President Rockefeller also has a Personal Secretary for Appointments, a Personal Secretary for Scheduling, and a Personal Assistant. His Press Operation is headed by the Assistant to the Vice President and Press Secretary (Hugh Morrow).

Current Salaries and Funding

The Vice President receives a total of \$696,330 from the Legislative Appropriation Bill. From this, comes his salary of \$65,600, \$10,000 for expenses, a \$4,500 stationary allowance, and \$1,315 for non-frank postage. The remainder -- \$615,015 -- is used for salary. This money may be applied

to the Senate staff or to the EOB staff. Currently, 38 people are paid with this money.

The Vice President receives \$1,246,000 from the Executive Branch Appropriation Bill. This money is used for salaries for staff and the expenses for running the EOB office. Currently, an additional 30 employees are paid with this money. The Vice President also receives \$61,000 for use in running the official residence. This money is mainly for entertainment. The Navy Appropriation Bill contains money for stewards, grounds keepers, electricity, water, and other services for the residence.

The Vice President also receives a limousine and a chauffeur from the Senate. He also has the use of the franking privilege. Of course, Secret Service protection and transportation is provided. I have asked for further details on all of these figures and for additional information on money available to the Vice President. (Tab G)

THE PROBLEMS OF THE VICE PRESIDENT

I have spoken with several people about the problems a Vice President faces and the conflicts which always seem to arise between a President and a Vice President. Although everyone has his own analysis of the problems, several themes seem to emerge again and again. It seems useful to set forth what others see as the problems any Vice President will face.

After the inauguration, two men assume high, elective office. Both have recently gone through a national campaign. Both have been serviced and supported by a large staff and a contingent of Secret Service personnel. Both have received the electoral mandate of the American people. One, however, is the President. He is in a commanding position. The other is the Vice President. He is in a subservient position. As Arthur Schlesinger, Jr. puts it, "antagonism is inherent in the relationship."

The first area of conflict is between the two individuals. The President usually perceives the Vice President as a potential competitor for attention. He has some thought that, while he has earned the nomination and election, the Vice President serves as a result of the President's selection of him. Also, the Vice President has a somewhat macabre role to fulfill.

He is, after all, the potential successor to the President. Thomas R. Marshall, who served as President Wilson's Vice President, said, "the only business of the vice-president is to ring the White House bell every morning and ask what is the state of health of the president." Lyndon Johnson described this aspect as follows: "The Vice President is like a raven, hovering around the head of the President, reminding him of his mortality." All of these factors cause uneasiness for a President.

Things are equally troubling for the Vice President. He is, unfortunately, placed in a subservient role. When he has been, as is often the case, a man who has "been his own man" for most of his life, the subservient role is difficult to accept. Arthur Schlesinger, Jr. concludes, "history has shown the American Vice Presidency to be a job of spectacular and, I believe, incurable frustration." The frustration is multiplied when the Vice President is given nothing to do. This problem is discussed in detail below.

In addition to the two principals -- the President and the Vice President -- the respective staffs cause many of the problems faced by the Vice President. Power in the Executive Branch is a function of access and information. A staff person gains status through his boss and as a function of his

contact with his boss. The staff of the President and Vice President are usually in conflict. The President's staff does not want to provide information to the Vice President's staff. The President's staff sees the Vice President's staff as encroaching upon their glory. From the other viewpoint, the Vice President's staff seeks information for their boss. Often, the only way to obtain the information is through the President's staff. The Vice President's staff is put in a subservient role vis-a-vis the President's staff much as the Vice President himself is in that role vis-a-vis the President.

This conflict is not confined to the staff level. There is often conflict between the President's staff and the Vice President himself. The President's staff, rightly or wrongly, perceives the Vice President as draining attention from the President. They often see the Vice President as a potential rival for access to the President. Everything a Vice President does is criticized within the White House by the President's staff. Often, the President's staff seeks to intrude itself between a President and his Vice President. In short, the Vice President often finds himself battling, not with the President, but with the President's staff.

Much of the frustration experienced by Vice Presidents is a result of the fact that they have often been given nothing to do. For a time, Presidents supposed themselves constitutionally

forbidden to give the Vice President serious duties. One of the early Vice Presidents, Thomas Jefferson, commented, "I consider my office as constitutionally confined to legislative functions, and that I could not take any part whatever in executive consultations, even were it proposed." As recently as 1955, President Truman wrote that the Vice President "is not an officer of the Executive Branch". In 1963, President Eisenhower wrote that the Vice President "is not legally a part of the Executive branch and is not subject to direction by the President."

In addition to the view that the Vice President is a legislative branch official, the view has also prevailed that the President could not yield executive power to the Vice President. The Constitution vests the undivided executive power in the President. Some have seen the vesting of executive power in the Vice President as unconstitutional. Others believe the President cannot, as a practical matter, give power to a man who he cannot fire.

Despite these arguments, the Vice President has, in recent years, been given more to do. President Franklin D. Roosevelt reinstituted Vice Presidential attendance at Cabinet meetings. President Truman persuaded Congress to make the Vice President a statutory member of the National Security

Council. President Kennedy gave the Vice President space in the Executive Office Building. Nevertheless, the Vice President has often been given discouraging and meaningless duties. Vice Presidents Nixon and Agnew were the "hit men" of the Eisenhower and Nixon Administrations. Arthur Schlesinger, Jr. comments, "if there is anything certain to cast the Vice Presidency into permanent disrepute, it is the theory that the Vice President is the appointed outlet for an administration's partisan rancor." The Vice President is also given make-work. Many observe that the Commissions and Councils headed by Vice Presidents are meaningless. Even the ceremonial functions performed by the Vice President are those consciously passed over by the President. In short, probably the greatest problem faced by a Vice President is the lack of meaningful duties.

THE MONDALE VICE PRESIDENCY

President Truman, in his memoirs, gave the following assessment of the role which a Vice President can play:

"The opportunities afforded by the vice-presidency . . . do not come -- they are there to be seized" So that you may be in the best possible position to "seize" the opportunities available to you, I present some suggestions on the duties which you might seek to assume and the ways in which you might solve some of the problems discussed above.

Relationship With the President

Probably the most important determinant of the pleasure and success of your Vice Presidency will be your relationship with the President. A close, personal relationship between you and the President will make you happier, result in the solicitation of your advice, and allow you to assume substantive and satisfying duties. President Truman has written that "it is very difficult for a President to take the Vice President completely into his confidence." No one can tell you how to establish this close, personal relationship. It is, however, probably the most important task you can assume.

A Vice President should, in the view of many people, be available to serve as a sounding-board for the President. He

should be one of the small group of persons to whom the President turns for important advice. He should be one of the group who is present when the President makes important decisions. In short, the Vice President, with a close, personal relationship with the President, may assume the status of Super Advisor. This, more than anything else, will allow your views to have a meaningful impact in policy-making. From your point of view, it will also allow you to have the important on-the-job training for the duties of the Presidency. If your relationship with the President can be one of trust and confidence, many, but not all, of the problems which you will encounter will be eased.

President of the Senate

By virtue of Article I, Section 3, you are constitutionally required to preside over the Senate. The presiding function is a ceremonial function. You will have to decide how much time you want to devote to that function. In the event of tie votes, you have the power to cast the deciding vote. This power is, however, seldom exercised. During the first six years that Richard Nixon was Vice President, neither party had more than a 3-man majority in the Senate. Yet, in all of his eight years, Nixon was called upon to break only eight ties. In all, Vice Presidents have voted about

200 times since 1789, an average of not much more than once a year.

The presiding function may provide a useful, official tie to the Senate in conjunction with other duties. This is discussed below.

Ceremonial Matters

Most Vice Presidents have been assigned a variety of ceremonial functions. These seem almost obligatory. They include goodwill trips, appearances at special events, attendance at funerals, and other such functions. Unfortunately, these appearances are somewhat routine. Arthur Schlesinger, Jr. notes, "Presidents perform few ceremonial functions they do not want to perform; and Vice Presidents would be acceptable substitutes only on the most footling occasions."

These ceremonial functions, although seemingly-obligatory, should probably be kept to a minimum. If you have any control over your appearances, you will probably want to eliminate some of these.

Integration of Staffs

As the discussion above indicates, many of the problems faced by Vice Presidents stem from conflicts between the

President's staff and the Vice President's staff or between the Vice President and the President's staff. Personal conflicts arise, and the Vice President is shut off from the flow of information. Also, when the Vice President is given a substantive responsibility, the President's staff often becomes competition for the President's ear.

Many problems may be solved by the proper structuring of staff. For instance, when the Vice President assumes a specific duty, he should be staffed by the same people who staff the President on that matter. The Vice President thereby eliminates jealousies and conflicts between his people staffing him on the issue and the President's people. He also allows the President's people to have a part in the decision or recommendation on the issue. They then have a vested interest in advocating the Vice President's position to the President.

As will be discussed further below, there are many areas where staff integration may take place. Although you will want to retain your personal staff, you should seek to have an input into the selection of Presidential staff in certain areas. On ad hoc projects, it is important to use the traditional staff lines as your support.

Legislative Program

The general consensus seems to be that the Office of Congressional Affairs has been useless under Presidents Nixon and Ford. With an Executive and a Legislative Branch of the same party, there will be a multitude of opportunities for legislative successes. Governor Carter has not, however, had experience dealing with the Congress or experience dealing with the individuals who lead the Congress. There is, therefore, an historical and practical vacuum into which you might step.

You might think about assuming a role as liaison between the President and the Congress. You might even actually take over the Office of Congressional Affairs. This would allow an official role. On the other hand, you may wish to assume this role on a more informal and selective basis. In any event, you might find the role satisfying and productive. You could certainly be very useful to Governor Carter in this role.

There are some cautionary comments which should be added. Many Vice Presidents have found themselves uncomfortable in the role of advocate for the President's legislative program. They know the Congress too well and find it difficult to "put the arm on" former colleagues. Other Vice Presidents find it

difficult to work with staff members of the Senators and Congressmen. You may also detect resentment from former colleagues. You will have to decide whether you would be comfortable in this role.

Some remarks from President Truman seem appropriate:

"The Vice-President's influence on legislation depends on his personality and his ability, especially the respect which he commands from the Senators. Here is once instance in which it is the man who makes the office, not the office the man."

Domestic Policy

As discussed above, an effort has been made to institutionalize the Vice President's function in the formulation in domestic policy. He has been made Vice Chairman of the Domestic Council. This effort has proved unsuccessful. Although allowed to appoint the Executive Director of the Domestic Council, the Vice President has little or no control over the Executive Director or the staff. Also, the Cabinet officials and agency heads who are members of the Domestic Council find it unacceptable to report to the President through the Vice President. Also, the Office of Management and Budget stands as a powerful adversary to the Domestic Council. Any policy formulated in the Domestic Council is subject to an

effective veto by OMB.

If the Domestic Council is to continue, it must be restructured. It must be made to be a co-equal partner with OMB in the formulation of policy. If the Vice President is to play a meaningful role in the formulation of domestic policy through his participation in the Domestic Council, many problems must be solved. The staff must be under the real control of the Vice President. The Vice President will have to find a way to encourage Cabinet officials and agency heads to report through him or with him to the President.

You may find that these problems are insurmountable. In that event, you may find your most important input into domestic policy to be through your informal contacts with the President. If you are given the status of Super Advisor, you can take on ad hoc assignments. As emphasized before, you should be staffed on these assignments by the President's staff. You could informally solicit the views of the relevant departments and agencies. Rather than interposing yourself between other administration officials and the President, you could work with them in the formulation of policy on a case-by-case basis.

Foreign Policy

You are a part of the foreign policy apparatus by virtue of your statutory membership on the National Security Council. In many cases, this role has been meaningless. The President has shut the Vice President out of the foreign policy decision-making process. You should seek to be included in the flow of foreign policy information on a regular basis. You should also tie yourself into the National Security Council's staff. This can be done by requesting the President to allow the NSC staff to serve you or by asking to have some of your people put on the NSC staff.

Many feel that the Vice President cannot play a meaningful role in foreign policy because of the powerful position of the Secretary of State and Secretary of Defense in the decision-making process. Here again, you can play a role if your relationship with the President is good. Although you will not want to come between the Secretary of State and Secretary of Defense, on the one hand, and the President, on the other, you should be able to have the President's attention to your thoughts.

A Vice President takes many foreign trips. Some are, of necessity ceremonial. You could, however, seek to make these trips more substantive and targeted. You could travel

as the President's personal representative with matters of substance to talk with foreign leaders about. This targeted, as opposed to ceremonial, diplomacy could be helpful to a President.

Liaison With Interest Groups

Your excellent connections with various groups provide another possible role for you as Vice President. You could, for instance, serve as a political liaison for the President. You could maintain contacts with State parties and the Democratic National Committee. It might even be appropriate to ask to have the Vice President made an ex officio member of the Democratic National Committee.

You might also serve as liaison with labor groups, ethnic groups, or minority groups. These duties are not necessarily formal ones. You might be used as a contact on a specific project. Again, much will depend upon your relationship with the President and the scope of responsibility he is willing to give you in policy-making.

Councils and Commissions

Most Vice Presidents have served as Chairman of a variety of councils and commissions. Many feel that these projects are useless.

If the use of councils and commissions is to be continued, you should do several things. First, you should seek to have some established to deal with areas of interest to you. Often, the Vice President is thrust into an uninteresting subject because the President feels he must be given something to do. If there are to be councils and commissions, try to make them on subjects you are concerned with. Second, rather than staff the council or commission with outside individuals, seek to have them staffed by OMB. Often, a council or commission arrives at a recommendation only to find it vetoed by OMB. If OMB is made a part of the commission, its ideas may be taken into account at an early stage and it may be made an advocate for the findings of the commission.

One specific area where you might consider the establishment of a council or commission is on the subject of government reorganization. Governor Carter has made this an important issue. He must produce results. The subject has Congressional dimensions, is important, and is of great interest to Governor Carter. You may play a role in government reorganization by heading a council or commission to write a plan. Again, it is important that OMB provide the staffing. I recognize that government reorganization may

be a subject which is dealt with during the transition period. If aspects of the problem carry over to the Administration, it is a potential subject for your concern.

FURTHER INFORMATION

This memorandum will hopefully provide you with necessary background information to enable you to discuss the office and define duties which you hope to assume. There are several further things I might do to provide you with additional information. Please let me know by indicating on the list below, how you would like me to proceed.

I could provide you with reading materials on the office of Vice President and on those who have occupied the office. These would include excerpts from books and articles.

Yes ____ No ____

I could have outside individuals write papers on various aspects of the Vice President's job. For instance, I might have individuals who served under Vice President Humphrey provide their written suggestions on how you could carry out the duties of the office.

Yes ____ No ____

If Yes, on what topics? _____

I could have a meeting of a group of academics, historians, and former Vice Presidential staff members to allow you to discuss the office with a group of knowledgeable individuals.

Yes ____ No ____

I could, independently, talk with such individuals and prepare memoranda for you about my discussions and the ideas which the discussions produce.

Yes ____ No ____

I could, with the help of knowledgeable individuals, propose a staffing arrangement for you to use as Vice President. This would, hopefully, help you during the transition period.

Yes ____ No ____

Please indicate below any other things you would like me to do on this project.



Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representatives from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

AMENDMENT [XII.]

The Electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such member be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT [XX.]

SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

SEC. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT [XXV.]

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SECTION. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives has written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives has written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable

to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Presidents, Vice Presidents, Congresses

President	Service	Vice President	Congress
1 George Washington	Apr 30, 1789-Mar 3, 1797	1 John Adams	1 2 3 4
2 John Adams	Mar 4, 1797-Mar 3, 1801	2 Thomas Jefferson	5 6
3 Thomas Jefferson	Mar 4, 1801-Mar 3, 1805	3 Aaron Burr	7 8
4 James Madison	Mar 4, 1805-Mar 3, 1809	4 George Clinton	9 10
	Mar 4, 1809-Mar 3, 1813	(1)	11, 12
5 James Monroe	Mar 4, 1813-Mar 3, 1817	5 Elbridge Gerry(2)	13, 14
6 John Quincy Adams	Mar 4, 1817-Mar 3, 1825	6 Daniel D. Tompkins	15 16 17, 18
7 Andrew Jackson	Mar 4, 1825-Mar 3, 1829	7 John C. Calhoun	19, 20
	Mar 4, 1829-Mar 3, 1833	(3)	21, 22
8 Martin Van Buren	Mar 4, 1833-Mar 3, 1837	8 Martin Van Buren	23, 24
9 William Henry Harrison (4)	Mar 4, 1837-Mar 3, 1841	9 Richard M. Johnson	25, 26
10 John Tyler	Apr 6, 1841-Mar 3, 1845	10 John Tyler	27
11 James K. Polk	Mar 4, 1845-Mar 3, 1849	11 George M. Dallas	27, 28
12 Zachary Taylor (4)	Mar 5, 1849-July 9, 1850	12 Millard Fillmore	29, 30
13 Millard Fillmore	July 10, 1850-Mar 3, 1853		31
14 Franklin Pierce	Mar 4, 1853-Mar 3, 1857	13 William R. King (5)	31, 32
15 James Buchanan	Mar 4, 1857-Mar 3, 1861	14 John C. Breckinridge	33, 34
16 Abraham Lincoln	Mar 4, 1861-Mar 3, 1865	15 Hannibal Hamlin	35, 36
	Mar 4, 1865-Apr 15, 1865	16 Andrew Johnson	37, 38
17 Andrew Johnson	Apr 15, 1865-Mar 3, 1869		39
18 Ulysses S. Grant	Mar 4, 1869-Mar 3, 1873	17 Schuyler Colfax	39, 40
19 Rutherford B. Hayes	Mar 4, 1873-Mar 3, 1877	18 Henry Wilson (6)	41, 42
20 James A. Garfield (4)	Mar 4, 1877-Mar 3, 1881	19 William A. Wheeler	43, 44
21 Chester A. Arthur	Sept 20, 1881-Mar 3, 1885	20 Chester A. Arthur	45, 46
22 Grover Cleveland (7)	Mar 4, 1885-Mar 3, 1889		47
23 Benjamin Harrison	Mar 4, 1889-Mar 3, 1893	21 Thomas A. Hendricks (8)	47, 48
24 Grover Cleveland (7)	Mar 4, 1893-Mar 3, 1897	22 Levi P. Morton	49, 50
25 William McKinley	Mar 4, 1897-Mar 3, 1901	23 Adlai E. Stevenson	51, 52
	Mar 4, 1901-Sept 14, 1901	24 Garret A. Hobart (9)	53, 54
26 Theodore Roosevelt	Sept 14, 1901-Mar 3, 1905	25 Theodore Roosevelt	55, 56
	Mar 4, 1905-Mar 3, 1909		57
27 William H. Taft	Mar 4, 1909-Mar 3, 1913	26 Charles W. Fairbanks	57, 58
28 Woodrow Wilson	Mar 4, 1913-Mar 3, 1921	27 James S. Sherman (10)	59, 60
29 Warren G. Harding (4)	Mar 4, 1921-Aug 2, 1923	28 Thomas R. Marshall	61, 62
30 Calvin Coolidge	Aug 3, 1923-Mar 3, 1925	29 Calvin Coolidge	63, 64, 65, 66
	Mar 4, 1925-Mar 3, 1929		67
31 Herbert C. Hoover	Mar 4, 1929-Mar 3, 1933	30 Charles G. Dawes	68
		31 Charles Curtis	69, 70
32 Franklin D. Roosevelt	Mar 4, 1933-Jan. 20, 1941		71, 72
	Jan. 20, 1941-Jan. 20, 1945	32 John N. Garner	73, 74, 75, 76
	Jan. 20, 1945-Apr. 12, 1945	33 Henry A. Wallace	77, 78
33 Harry S. Truman	Apr. 12, 1945-Jan. 30, 1949	34 Harry S. Truman	79
	Jan. 20, 1949-Jan. 20, 1953		79, 80
34 Dwight D. Eisenhower	Jan. 20, 1953-Jan. 20, 1961	35 Alben W. Barkley	81, 82
35 John F. Kennedy (4)	Jan. 20, 1961-Nov. 22, 1963	36 Richard M. Nixon	83, 84, 85, 86
36 Lyndon B. Johnson	Nov. 22, 1963-Jan. 20, 1965	37 Lyndon B. Johnson	87, 88
	Jan. 20, 1965-Jan. 20, 1969		88
37 Richard M. Nixon	Jan. 20, 1969-Jan. 20, 1973	38 Hubert H. Humphrey	89, 90
	Jan. 20, 1973-Aug. 9, 1974	39 Spiro T. Agnew (11)	91, 92, 93
38 Gerald R. Ford (14)	Aug. 9, 1974	40 Gerald R. Ford (13)	93
		41 Nelson A. Rockefeller (15)	93, 94

(1) Died Apr. 20, 1812. (2) Died Nov. 23, 1814. (3) Resigned Dec. 28, 1832, to become U. S. Senator. (4) Died in office. (5) Died Apr. 18, 1853. (6) Died Nov. 22, 1875. (7) Terms not consecutive. (8) Died Nov. 25, 1885. (9) Died Nov. 21, 1899. (10) Died Oct. 30, 1912. (11) Resigned Oct. 10, 1973. (12) Resigned Aug. 9, 1974. (13) First non-elected vice president, chosen under 25th amendment procedure. (14) First non-elected president. (15) 2d non-elected vice president.

THE CAPITOL

OFFICERS OF THE SENATE

Phone, 224-3121

PRESIDENT

Vice President of the United States and President of the Senate.—Nelson A. Rockefeller.

Executive Office Building. Phone, 456-1414
Senate Office Building. Phone, 224-2424

Personal Assistant to the Vice President.—Susan C. Herter, Old Executive Office Building. (456-2143)
Assistant to the Vice President.—George Richard Allison, Old Executive Office Building. (456-7056)
Personal Secretary to the Vice President, Appointments.—Kathleen M. Huldrum, Old Executive Office Building. (456-7045)
Personal Secretary to the Vice President, Scheduling.—Nancy J. Towell, Old Executive Office Building. (456-7046)
Assistant to the Vice President and Press Secretary.—Hugh Morrow, Old Executive Office Building. (395-6303)
Counsellor to the Vice President.—Raymond P. Shafer, Old Executive Office Building. (456-6446)
Counsellor to the Vice President.—John G. Veneman, Old Executive Office Building. (456-6200)
Counsel to the Vice President.—Peter J. Wallison, Old Executive Office Building. (395-4242)
Assistant to the Vice President for Special Events.—Joseph Canzeri, Old Executive Office Building. (395-6096)
Deputy Assistant to the Vice President for Special Events.—Howard Dixon, Old Executive Office Building. (395-4245)
Assistant to the Vice President for Congressional Affairs.—Roger W. Hooker, Jr., 2203 Dirksen Senate Office Building. (224-2424)
Assistant to the Vice President for National Security Affairs and Military Assistant.—Capt. Jonathan Howe, USN, Old Executive Office Building. (395-4213)
Assistant to the Vice President for Administration.—Frank R. Pagnotta, Old Executive Office Building. (456-6400)
Consultant to the Vice President.—Robert F. Armao, Old Executive Office Building. (456-2683)
Executive Editor to the Vice President.—Joseph E. Persico, Old Executive Office Building. (456-2791)
Special Assistant to the Vice President.—Thaddeus A. Garrett, Jr., Old Executive Office Building. (456-2566)

OFFICE OF THE VICE PRESIDENT

	<u>Amount</u>	<u>Explanation</u>
LEGISLATIVE BRANCH APPROPRIATIONS ACT:		
A. Controlled by Vice President:		
1. Salary of Vice President-----	\$ 65,600 ¹	P. 3-CRS Report JK-761
2. Expense Allowance of Vice President-----	10,000	P. 4-CRS Report JK-761
3. Clerk Hire, as President of the Senate--	615,015 ¹	P. 4-CRS Report JK-761
4. Stationery, as President of the Senate--	4,500	P. 4-CRS Report JK-761
5. Postage, as President of the Senate----	1,215	P. 5-CRS Report JK-761
Subtotal-----	696,330	
B. Provided Vice President:		
6. Office of the Sergeant at Arms and Doorkeeper -- one (1) Driver-Messenger, Vice President-----	(14,628)	
7. Automobiles and Maintenance -- one (1) leased Lincoln for Vice President-----	(2,000)	
Subtotal-----	(16,628) ²	
Total, Legislative Branch Approp- riations Act-----	696,330	

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT:

1. Official Residence of the Vice President	61,000 ³	P. 24, S. Report 953
2. Special Assistance to the President-----	1,246,000	P. 26, S. Report 953
Total, Treasury, Postal Service, and General Government Approp- riations Act-----	1,307,000	
Grand Total-----	<u>2,003,330⁴</u>	

¹The Vice President's salary is now subject to the Executive Salary Cost of Living Adjustment Act so that an increase can be anticipated in both the salary of the Vice President and the staff at the level of the cost of living increases. In addition, the Senate provides for the Government share of the retirement, life insurance, and health benefits of the Vice President and his staff paid from these funds under the appropriation "Agency Contributions."

²In addition, the Vice President is supplied with suitable office space, furniture and equipment, and local and long distance telephone and telegraph service by the Senate.

³In addition, the Navy provides stewards and grounds keepers under the appropriation "Operations and Maintenance, Navy," Defense Appropriation Act.

⁴In addition, the Vice President is entitled to protection of the Secret Service of the Department of the Treasury.

II. THE VICE PRESIDENT OF THE UNITED STATES

Salary

\$65,600 per annum (3 U.S.C. 104, amended by Public Law 91-67, 83 Stat. 107, September 15, 1969 and 2 U.S.C. 356 (A), amended by Public Law 94-82, 89 Stat. 423, August 9, 1975 (providing for automatic adjustment of 5.0 per cent, October 1, 1975).

Brief legislative history of the salary of the Vice President of the United States:

<u>Salary</u>	<u>Statutory Authority</u>	
\$5,000	September 24, 1789 and February 18, 1793	1 Stat. 72 1 Stat. 318
\$8,000	March 3, 1853	10 Stat. 212
\$10,000	March 3, 1873	17 Stat. 486
\$8,000 (20% reduction)	January 20, 1874	18 Stat. 4
\$12,000	February 26, 1907	34 Stat. 993
\$15,000	March 4, 1925	43 Stat. 1301
\$12,750 (15% reduction)	June 30, 1932 March 20, 1933	47 Stat. 401 48 Stat. 14
\$13,500 (5% restoration)	March 28, 1934	48 Stat. 521
\$14,250 (10% restoration)	March 28, 1934	48 Stat. 521
<hr/>		
<u>Salary</u>	<u>Statutory Authority</u>	
\$15,000 (full restoration)	February 13, 1935	49 Stat. 24
\$20,000	August 2, 1946	60 Stat. 850
\$30,000	January 19, 1949	63 Stat. 4
\$35,000	March 2, 1955	69 Stat. 11
\$43,000	August 14, 1964	78 Stat. 422
\$62,500	September 15, 1969	83 Stat. 107
\$65,600*	August 9, 1975	89 Stat. 421

Expense Allowance

\$10,000 per annum, non-taxable (3 U.S.C. 111; 63 Stat. 4, January 19, 1949).

NOTE: A Vice President-elect who is not the incumbent President or Vice President, upon request, is provided with the same necessary facilities, equipment, and allowances as the President-elect (3 U.S.C. 102, note; 78 Stat. 153, March 7, 1964, supra, p. 2).

Clerk Hire, as President of the Senate

\$584,065. This amount changes from year to year; the figure stated is the one in effect for the fiscal year ending June 30, 1976, with an additional \$146,000 for the budget transition period of July 1, 1976 through September 30, 1976 -- Public Law 94-59, 89 Stat. 269, July 25, 1975. The annual rate of compensation of an employee is limited to the annual rate of basic pay for positions in Level V of the Executive Schedule (presently \$37,800). The Order of the President pro tempore [Congressional Record (daily edition), October 30, 1975, S 18981-S 18983] provided authority for an increase of 5.0 percent, adjusted to the nearest multiple of \$159, implementing Executive Order 11883 of October 6, 1975, under authority of Public Law 91-656, 84 Stat. 1946, January 8, 1971.

\$615,015
for Fy 1977.
(Oct. 1, 1976 -
Sept. 30, 1977)

Stationery, as President of the Senate

\$4,500 per annum [2 U.S.C. 46a, as amended by Public Law 91-145, 83 Stat. 342, December 12, 1969 (providing an allowance of \$3,600) and by Public Law 94-32, 89 Stat. 182, June 12, 1975 (increasing the allowance from \$3,600 to \$4,500)].

* Public Law 94-82 (89 Stat. 419, August 9, 1975) provided for annual comparability adjustments in the salary of the Vice President as provided for Federal employees in the General Schedule under 5 U.S.C. 5305. In the President's Message to Congress of September 3, 1975, an increase of 5.0 percent was recommended.

Postage, as President of the Senate

For air mail and special delivery, \$1,215 each fiscal year in addition to authorized use of franking privilege provided to Members of Congress (2 U.S.C. 42a, as amended by Public Law 92-51, 85 Stat. 128, July 9, 1971).

Retirement

Civil Service retirement benefits have been extended to cover the Vice President. Retirement benefits, based on age and length of service, and prior military or Federal Government service, are made available to Members of Congress and the Vice President, on their application under the Civil Service Retirement Act, as amended (5 U.S.C. 8331-8348).

Vice Presidential Protection

The Vice President is entitled to protection of the Secret Service of the Department of the Treasury (18 U.S.C. 3056).

Transition

\$900,000 is authorized for the cost of transition from one Administration to another. This amount is to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The funds are to be allocated as follows: a) \$375,000 to the incoming President, b) \$375,000 to the outgoing President, c) \$75,000 to the incoming Vice President and d) \$75,000 to the outgoing Vice President. The President shall include a proposed appropriation in the Budget transmitted to the Congress for each fiscal year in which his regular term of office expires (3 U.S.C. 102, note; 78 Stat. 153, March 7, 1964).